Mr. N. Padmanabha Pillai (*Chengannur*) represented that applications for refund of the value of spoilt stamps had now to be made to the Dewan Peishkars and this meant trouble and pecuniary loss to parties. He suggested that it would be a convenience if permission could be granted to make such applications through Tahsildars, the final disposal alone being allowed to rest with the Peishkars as hitherto, if deemed necessary.

Mr. K. Kochu Thomman (*Chengannur*) spoke in support.

Reply.—The provisions of section 51 of the Stamp Regulation (IV of 1080) do not seem to require that such applications should be presented to the Peishkars themselves, nor is it clear whether applications made through Tahsildars could not be disposed of by the Peishkars. It is, however, open to the parties in all cases to present applications to Peishkars by post. There is provision in the section for framing rules as to enquiry, and if it is seen that the section cannot be interpreted in the sense in which the member wants it, the question of passing a rule enabling parties to present such applications through Tahsildars will be considered.

74. Repeal of Civil Circular No. 30 of 1079 prohibiting parties who have engaged vakils from conducting cases in their absence.

Mr. N. Madhavan Valiathan (*Tiruvallah*) observed that the present rule was that a party who had retained a vakil to appear for him could not be heard in person before he terminated the engagement as provided for by section 29 of the Vakils' Regulation. This provision caused unnecessary delay and additional expenditure to the litigants. Parties enjoyed this privilege before the passing of the circular, which, the member thought, did not serve any useful purpose. He requested that the circular might be repealed.

Mr. N. Kesavan Valiathan (*Kartigapalli*) also spoke on the subject.

Reply.—This matter has to be considered from the standpoint of the pleader, the court and the party. Pleaders, of course, will not tolerate the proposed amendment, because that would leave it to the caprice of the party to cancel his engagement with them at any moment he chooses. As for the court, it cannot but be inconvenienced by such abrupt termination. In the case of the party, he has the

LIBRARY ARCHIVES Kerala Legislative Assembly

additional difficulty of finding a new pleader and giving instructions to him, and the business cannot go on immediately or smoothly. This provision exists in British India and, so far as I know, has been working with good effect. The present circular is a wholesome one, whatever hardship it may possibly work in individual cases.

75. Early passing of the Weights and Measures Bill into law.

Mr. V. Sankaranarayana Iyer, B. A., B. L. (Agastiswaram), Mr. M. Sivathanu Pillai (Tovala), Mr. Shaik Sulaiman Labba of Agastiswaram (Nominated), Mr. Narayanan Madhavan Karthavu (Shertallay), Mr. Ousep Kunjavirah Tharakan (Vycome), Mr. Varkey Oothuppu (Ettumanur), Mr. K. Krishnan Pandalay, B. A., B. L., (Quilon), Mr. G. Sankaranarayana Iyer and Mr. Sattanathan Karayalan (Shencottah), Mr. Kesavan Padmanabhan (Mavelikara), Mr. K. G. Sesha Iyer, B. A., B. L. (Central Association, Trivandrum) and Mr. Kanakku Mathevan Mathevan (Nedumangad) prayed for the Weights and Measures Bill being passed into law as soon as possible and pointed out that this was one of the subjects brought forward for the earnest consideration of Government at the last session of the Assembly.

Reply.—The Bill referred to had to be dropped. But Government have not lost sight of the desirability of legislating on this subject. The matter will receive careful consideration, especially as it is now seen that the cry comes from all parts of the State.

76. Disabilities of Christian converts in the matter of inheritance.

Mr. G. H. Gunther (Catholic Indian Association, Trivandrum observed that this was one of the subjects brought forward at the last session of the Assembly, but one aspect of the question had not been brought to the notice of Government then, and that was that in British India including Malabar whose Marumakkathayam law was the same as that of Travancore, the disabilities complained of did at one time exist but were removed by the passing of Act XXI of 1850. Here, there was a Full Bench ruling that Hindu converts to Christianity could not claim inheritance. In the face of this ruling, it was doubtful whether relief could be afforded except by specific legislation. He, therefore, requested that a Regulation might be passed in this direction at an early date on the lines of the British Indian enactment.

LIBRARY ARCHIVES Kerala Legislative Assembly